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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOHN SMALLMAN, on behalf of himself Case No.: 2:20-cv-00376-JAD-NJK
and all others similarly situated,

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

KEVIN V. HORNE, on behalf of himself and Case No.: 2:20-cv-402-KJD-DJA
all others similarly situated,

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

JEFFREY SCOTT CAMERON, on behalf of Case No. 2:20-cv-00429-JCM-DJA
himself and all others similarly situated,

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

STIPULATION TO CONSOLIDATE
ACTIONS AND SET
SCHEDULING DEADLINES

**PAUL BRODSKY, on behalf of himself and
all others similarly situated,**

Case No. 2:20-cv-00486-GMN-NJK

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

**KATHARINE BREEN, ADAM METZ
ALAIN MICHAEL, CAROL OCONNELL,
MATTHEW PRUITT, CHRISTOPHER
PUSSMAN, and SABRINA WOODS, on
behalf of themselves and all others similarly
situated,**

Case No. 2:20-cv-0541

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

**LARRY LAWTER, JULIE MUTSKO,
KERRI SHAPIRO, and VICTOR
WUKOOVITS, on behalf of himself and all
others similarly situated,**

Case No. 2:20-cv-529-RFB-EJY

Plaintiff

v.

MGM RESORTS INTERNATIONAL,

Defendant.

STIPULATION TO CONSOLIDATE ACTIONS AND SET SCHEDULING DEADLINES

Pursuant to D. Nev. L.R. 7-1, the below referenced Parties stipulate and represent as follows:

WHEREAS, there are six (6) related proposed class actions pending in the United States District court for the District of Nevada: *Smallman v. MGM Resorts International*, Case No. 2:20-cv-00376-JAD-NJK (“*Smallman*”), filed February 21, 2020 and pending before the Honorable Jennifer A. Dorsey; *Horne v. MGM Resorts International*, Case No. 2:20-cv-00402-KJD-DJA, (“*Horne*”), filed February 26, 2020 and pending before the Honorable Kent J. Dawson; *Cameron v. MGM Resorts International*, Case No. 2:20-cv-429-JCM-DJA (“*Cameron*”), filed February 28, 2020 and pending before the Honorable James C. Mahan; *Brodsky v. MGM Resorts International*, Case No. 2:20-cv-00486-GMN-NJK, (“*Brodsky*”), filed March 9, 2020 and pending before the Honorable Gloria M. Navarro; *Breen et al. v. MGM Resorts International*, Case No. 2:20-cv- 00541, (“*Breen*”), filed March 17, 2020¹, and *Lawter et al. v. MGM Resorts International*, Case No. 2:20-cv-00529-RFB-EJY (“*Lawter*”), filed March 13, 2020 and pending before the Honorable Richard F. Boulware (together, the “Related Actions”);

WHEREAS, Plaintiffs in the Related Actions (“Plaintiffs”) allege that Defendant MGM Resorts International (“MGM”) failed to, *inter alia*, protect its customers’ accounts from unauthorized access by third parties and MGM denies such allegations;

WHEREAS, Plaintiffs agree that consolidation is appropriate under Rule 42(a), Federal Rule of Civil Procedure, because the Related Actions involve common questions of law or fact, specifically, the cases name the same defendant, arise from the same events and assert overlapping claims and putative classes;

¹ Some of the plaintiffs in Breen were parties to an action filed in the Northern District of California, 3:20-cv-01483, on February 28, 2020, but a voluntary dismissal of that action was taken and the matter was re-filed in this District.

1 WHEREAS, Plaintiffs agree that MGM's lack of objection to procedural consolidation of the
2 Related Actions in this Court is without prejudice to MGM's rights, remedies, defenses, objections,
3 and legal arguments;

4 WHEREAS, Plaintiffs in the Related Actions agree not to argue that by entering into this
5 stipulation or acting in conformance with its terms, MGM has waived or acted in any way inconsistent
6 with any right, remedy or defense;

7 WHEREAS, subject to the provisions described above, MGM does not oppose procedural
8 consolidation of the Related Actions under Fed. R. Civ. Proc. 42(a) and D. Nev. L.R. 42-1, while
9 expressly reserving all of its rights, remedies, defenses, objections, and legal arguments;

10 WHEREAS, the Parties propose, subject to Court approval, that this action proceed on the
11 following schedule:

- 12 • Plaintiffs shall file a consolidated Complaint no later than thirty (30) days following
13 entry of an order approving this stipulation;
- 14 • MGM shall not be required to respond to the respective complaints in the Related
15 Actions pending approval of this stipulation;
- 16 • MGM shall have forty-five (45) days from the filing of the consolidated Complaint in
17 which to respond thereto;
- 18 • In the event the Court declines to consolidate the Related Actions, MGM shall have
19 forty-five (45) days from the date of any order denying consolidation in which to
20 respond to the respective complaints filed in the Related Actions.

21 NOW THEREFORE, the Parties through their respective counsel and subject to the Court's
22 approval hereby stipulate that:

- 23 1. The *Smallman*, *Horne*, *Cameron*, *Brodsky*, *Breen*, and *Lawter* actions currently
24 pending in this District and any other action arising out of the same or similar operative

facts now pending or hereafter filed in, removed to, or transferred to this District shall be consolidated for pre-trial purposes pursuant to Fed. R. Civ. Proc. 42(a) before the Honorable Jennifer A. Dorsey (hereafter the “Consolidated Action”).

2. All papers filed in the Consolidated Action shall be filed under Case No. 2:20-cv-00376-JAD-NJK, the number assigned to the first-filed case, and shall bear the following caption:

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

*IN RE: MGM RESORTS INTERNATIONAL
DATA BREACH LITIGATION*

Master File No. 2:20-cv-00376-
JAD-NJK

This Document Relates To:

3. The case file for the Consolidated Action will be maintained under Master file No.: 2:20-cv-00376-JAD-NJK. When a pleading is intended to apply to all actions to which this Order applies, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption described above. When a pleading is not intended to apply to all actions, the docket number for each individual action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption identified above, for example, “2:20-cv-376-JAD-NJK (*Cameron*).”
4. Any action subsequently filed, transferred or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action will be consolidated with the Consolidated Action for pre-trial purposes. The parties shall file a Notice of Related

Action pursuant to D. Nev. L.R. 42-1 whenever a case that should be consolidated into this action is filed in, or transferred to, this District.

5. If the Court determines that the case is related, the clerk shall:

- a. Place a copy of this Order in the separate file for such action;
- b. Serve on Plaintiffs' counsel in the new case a copy of this Order;
- c. Direct that this Order be served upon defendants in the new case; and
- d. Make appropriate entry in the Master Docket.

6. If the Court approves this stipulation, the parties shall do the following:

- a. Plaintiffs shall file a Consolidated Complaint no later than thirty (30) days following entry of an order approving this stipulation; and
- b. Defendant shall file a responsive pleading no later than forty-five (45) days following the filing of the Consolidated Complaint.

IT IS SO STIPULATED.

Dated: March 17, 2020

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ORDER

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2020, I electronically filed the foregoing **STIPULATION TO CONSOLIDATE ACTIONS AND SET SCHEDULING DEADLINES** with the Clerk of Court using the electronic case management system, which will send notification of such filing to the counsel of record in the above-captioned matters.

Date: March 17, 2020

By: /s/ Shannon Dinkel
An employee of Pisanelli Bice